



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

September 25, 2007

Gene Fong  
Division Administrator  
Federal Highway Administration  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

Subject: Draft Tier 1 Environmental Impact Statement/Environmental Impact Report  
for the Placer Parkway Corridor Preservation Project (CEQ #20070278)

Dear Mr. Fong:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document. We understand that for this project, responsibilities for complying with the National Environmental Policy Act (NEPA) remain with the Federal Highway Administration (FHWA) and are not delegated to the State of California in the pilot program for NEPA delegation. Placer Parkway is identified as an "exception" project in the *Memorandum of Understanding (MOU) Between the FHWA and Caltrans Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program (June 2007)*. Our enclosed detailed comments were prepared pursuant to the NEPA, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

This project is following the NEPA/Clean Water Act Section 404 Integration Process MOU (NEPA/404 MOU), as modified for Tier 1 projects, so that decisions made in Tier 1 are consistent with the requirements of Clean Water Act (CWA) Section 404 permitting at the end of the Tier 2 project. We commend FHWA, Caltrans, and the South Placer Country Regional Transportation Authority for engaging in this collaborative approach at Tier 1 and for your responsiveness to EPA's input throughout the NEPA/404 MOU process.

Based on our review of the Draft Environmental Impact Statement (DEIS), we have rated the build alternatives as Environmental Concerns-Insufficient Information (EC-2). Please see the enclosed Summary of EPA Rating Definitions. EPA's major area of concern is the analysis of indirect (secondary) impacts of the Parkway, including potential growth-inducing impacts to aquatic resources, special status species, and biological habitat.

We are particularly concerned that the DEIS lacks a robust qualitative description and quantitative estimates of the Parkway's potential indirect impacts, including effects on sensitive resources due to growth inducement and habitat fragmentation. The DEIS appears

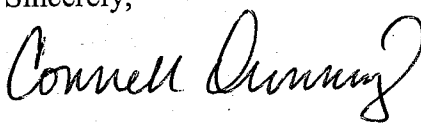
to exclude from analysis the indirect impacts of the planned and potential additional interchanges, such as the Watt Avenue interchange. Finally, the DEIS does not demonstrate how the "no-development buffer concept" will be implemented to prevent additional interchanges on the Parkway and to prevent near roadway development.

The enclosed detailed comments also provide recommendations related to the following: 1) cumulative impact analysis, 2) hydrology, floodplains, and water quality, 3) air quality, and 4) the hypothetical Land Use and Policy (smart growth) Scenario.

The next steps in the modified NEPA/404 MOU process are the following: 1) select the corridor(s) most likely to contain the "least environmentally damaging practicable alternative (LEDPA)," the only alternative that can be permitted under CWA Section 404, and 2) determine the general mitigation framework for the project. The CWA Section 404 (b)(1) guidelines require consideration of direct, secondary (indirect), and cumulative impacts when determining the LEDPA. We would like to offer our assistance to work with you on these NEPA/404 checkpoints.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact me or Nancy Levin, the lead reviewer for this project. Nancy can be reached at 415-972-3848 or [levin.nancy@epa.gov](mailto:levin.nancy@epa.gov).

Sincerely,

*For*   
Nova Blazej, Manager  
Environmental Review Office

Enclosures:

Summary of EPA Rating Definitions

EPA's Detailed Comments

NEPA/Clean Water Act Section 404 Integration Process MOU Modified for Tier 1 (2004)

cc:

Celia McAdam, South Placer Regional Transportation Authority

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Tom Cavanaugh, U.S. Army Corps of Engineers

Ken Sanchez, U.S. Fish and Wildlife Service

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## **Section I: Integration of Clean Water Act and National Environmental Policy Act Requirements**

The Federal Highway Administration (FHWA) and the South Placer Regional Transportation Authority (SPRTA), the project sponsor, are using a tiered process for the National Environmental Policy Act (NEPA) analysis of the proposed Placer Parkway project. The goal for this Tier 1 (programmatic) Environmental Impact Statement (EIS) is to identify a corridor for future right-of-way preservation. The Tier 2 (project-level) EIS will identify a specific alignment for the Parkway within the corridor(s) identified in Tier 1. After Tier 2 project approval, but before project construction, the project proponent will need to obtain a Clean Water Act (CWA) Section 404 individual permit from the Corps.

The CWA Section 404(b)(1) Guidelines (Guidelines) are binding, substantive regulations that restrict CWA Section 404 permits to the "least environmentally damaging practicable alternative (LEDPA)." The Corps cannot grant a CWA Section 404 permit to a preferred project-level alternative that is not the LEDPA; therefore, it is critical that the LEDPA is not prematurely eliminated during the Tier 1 NEPA review.

In 2004 the FHWA, California Department of Transportation (Caltrans), the Placer County Transportation Planning Agency (on behalf of SPRTA), U.S. Army Corps of Engineers, and U.S. EPA Region IX agreed to follow a NEPA/CWA Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU) – modified for Tier 1 decision making – as the framework to guide the environmental review of the programmatic, Tier 1 Placer Parkway project.<sup>1</sup> The goal of the modified NEPA/404 MOU process is to ensure that Tier 1 decisions reflect careful consideration of the Guidelines. The Guidelines should be addressed as early as possible in the Tier 1 NEPA evaluation to eliminate the need to revisit decisions at the Tier 2 project-level that might otherwise conflict with CWA 404 permit requirements.

EPA has agreed with the first three checkpoints in the NEPA/404 MOU process – the purpose and need, criteria for selecting the range of alternatives, and the range of alternatives. The next steps in the process are the following: 1) select the corridor(s) most likely to contain the "least environmentally damaging practicable alternative (LEDPA)" and 2) determine the mitigation framework for the project.

### **Corridor(s) Most Likely to Contain the LEDPA**

The Guidelines call for an analysis that compares the total impact – direct and secondary (indirect) – for each alternative. However, the Draft Environmental Impact Statement (DEIS) only includes direct impacts in the comparison of alternatives (e.g., Table 4.14-4). It is important to include indirect, including growth-inducing impacts, in the alternatives

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<sup>1</sup> Modified NEPA/404 MOU Integration Process for the Tier 1 Placer Parkway Corridor Preservation Project, April 12, 2004.

analysis, because an alternative with greater direct impacts, but fewer indirect impacts (including growth-related impacts) can qualify as the LEDPA.<sup>2</sup>

***Recommendation***

In order to be consistent with the Guidelines, the alternatives analysis should compare the alternatives using both direct and indirect impacts to environmental resources of concern. Specific recommendations are included below in **Section II-A**.

In addition, when evaluating differences between each corridor, it is important to consider resource avoidance options (e.g., elevated structures, bottomless culverts) that are available *within* each corridor, so as to not prematurely eliminate a potential LEDPA alignment.

***Recommendation***

Include planning-level avoidance commitments in the Tier 1 Final EIS (FEIS) for each alternative that will be considered in the LEDPA assessment, such as arched (bottomless) culverts and elevated roadway structures or spans.

Finally, given the magnitude of potential resource impacts, particularly to aquatic resources, species, and habitat, we recommend that FHWA prepare a robust cumulative impacts analysis at Tier 1 that will 1) determine the resource study area for and the baseline condition of each resource of concern, 2) assess reasonably foreseeable changes to environmental resources over time, and 3) identify potential landscape-level mitigation opportunities.

***Recommendation***

Prepare a thorough cumulative impact analysis to sensitive resources affected by the project. Specific recommendations are included below in **Section II-B**.

**Mitigation Framework**

In the Tier 1 FEIS, FHWA should present the framework it will use to prepare the Tier 2 project-level detailed mitigation plan. The Tier 1 mitigation framework describes the processes that FHWA will use, and commitments it will make, to maximize opportunities for successful mitigation of environmental impacts associated with the construction and operation of the Parkway, including long-term mitigation and management of resources.

***Recommendations***

Identify the following in the Tier 1 FEIS mitigation framework:

- Mitigation options available for creation, restoration, enhancement and preservation (e.g., land dedication, acquisition of conservation easements, in lieu fees for acquisition, mitigation banks).
- Potential mitigation sites.

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<sup>2</sup> See Chapter 2.3, Guidance for Preparers of Growth-related, Indirect Impact Analyses.  
[http://www.dot.ca.gov/ser/Growth-related\\_IndirectImpactAnalysis/gri\\_guidance.htm#cwadef](http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm#cwadef)

- Opportunities to build upon existing or planned conservation efforts and to coordinate with other governmental and non-governmental agencies.
- Habitat types and approximate acres of impact. Special status species and critical habitat impacted. Discussion of buffer areas and habitat linkages that will be adversely affected and replaced.
- Institutions and instruments (e.g., established maintenance endowments) for long-term management of mitigation sites.

## **Section II: Indirect and Cumulative Impacts Analysis**

### **A. Indirect and Induced Growth Impacts**

The proposed Placer Parkway is a major new freeway in a rural area with abundant aquatic and biological resources, and large areas of undisturbed habitat. The DEIS recognizes that the proposed project will not only have significant direct impacts on these resources, but also that the project will be growth-inducing in southwestern Placer County and southern Sutter County. The growth-inducement associated with the Placer Parkway will likely have significant adverse impacts to sensitive aquatic and biological resources, including habitat.

We commend FHWA for the recognition of indirect impacts, particularly growth inducement, as a major issue for the project, and for FHWA's objective to avoid unplanned growth in environmentally sensitive areas. EPA is concerned, however, that the DEIS does not contain an estimate, by alternative, of indirect impacts to sensitive environmental resources; and does not sufficiently describe and commit to measures that avoid and minimize growth-inducing impacts.

EPA also has major concerns about the assumption, used throughout the DEIS, that the "no-development buffer concept" will prevent interchanges additional interchanges on and growth near the Parkway.

#### i. Methodology and Scope of Analysis of Indirect Impacts

The DEIS concludes that the project will be growth-inducing. The next step in the indirect impact analysis is to assess the impacts to resources of concern and compare them by alternative. Caltrans has recently completed guidance, in concert with EPA and FHWA, to analyze growth-inducing indirect impacts of projects. We recommend using this guidance to determine the anticipated location of and quantify growth-inducing impacts the Final EIS.

The DEIS states that it is "not feasible to perform a detailed quantitative evaluation of these [indirect and secondary] potential impacts as specific design details of other future projects are not known," and that the effects are evaluated qualitatively. EPA believes that a more detailed qualitative and quantitative analysis of indirect impacts, especially induced growth impacts, to resources of concern can be provided in the FEIS. Detailed information exists for several major developments in the study area, including CWA jurisdictional delineations for Placer Vineyards, Curry Creek, Placer Ranch, and Sierra Vista specific plans. Additional delineations may be available prior to the FEIS. Placer

County and other agencies have compiled detailed information on resources in the area that is readily available in a Geographical Information System (GIS) format.

The DEIS states that it is unlikely that the growth-inducing impacts of the project would differ from one alternative to another (Section 6.1.4) but does not provide data to support this conclusion. The potential growth-inducing impacts of the alternatives could vary significantly, depending on the location of the corridor, the interchanges, and their proximity to existing development. The northerly alternatives provide access to largely undeveloped areas facing intense development pressures, including areas around Sunset Boulevard West. The southerly routes provide access closer to existing and planned urban development. Corridor alternatives and interchange locations that direct growth to southern rather than northern areas of Western Placer County would likely have fewer growth-related impacts to environmental resources and result in less habitat fragmentation.<sup>3</sup>

### ***Recommendations***

Prepare a robust qualitative and quantitative analysis of indirect impacts -- including habitat fragmentation and growth-related impacts to environmental resources -- for each alternative, and provide supporting data:

- Use readily available quantitative information, such as Geographical Information System (GIS) databases and verified CWA delineations to prepare a quantitative estimate of secondary and indirect impacts. Include information from jurisdictional delineations for Placer Vineyards, Curry Creek, Placer Ranch, and Sierra Vista specific plans. Additional delineations may be available prior to the FEIS. Placer County and other agencies have compiled detailed digitized resource information in the area that is readily available.
- Use the Caltrans' Growth Related Indirect Impacts Guidance to analyze the potential growth-inducing impacts of the project and to compare alternatives. It is available at [http://www.dot.ca.gov/ser/Growth-related IndirectImpactAnalysis/gri\\_guidance.htm](http://www.dot.ca.gov/ser/Growth-related%20IndirectImpactAnalysis/gri_guidance.htm).
- Present a quantitative estimate of indirect impacts on each alternative in tabular form in Table ES-1. Also, provide a map overlaying aquatic and terrestrial resources and habitat boundaries with areas of existing and anticipated (planned and reasonably-foreseeable) growth.

### **ii. Implementation of a "No-Development Buffer Concept"**

FHWA has proposed a 500-1,000 foot "no-development buffer concept" to prevent development and additional interchanges along the Placer Parkway. The DEIS states that this buffer would severely constrain growth-inducement from the Parkway project by preventing new access on the freeway, beyond the four to five planned interchanges. EPA

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<sup>3</sup> For information on how the location of a transportation facility can influence and direct growth, see Chapter 5, Guidance for Preparers of Growth-related, Indirect Impact Analyses; National Cooperative Highway Research Program (NCHRP) Report 423A, Land Use Impacts of Transportation: A Guidebook; and NCHRP Report 466, Desk Reference for Estimating the Indirect Effect of Proposed Transportation Projects.

believes that the DEIS has not demonstrated that the “no-development buffer concept” would prevent additional interchanges and development within 500-1,000 feet of the roadway.

First, the DEIS states that “adjustments” to the buffer could be made at Tier 2 to accommodate “future approved development.” These adjustments would allow development to the edge of the roadway (Section 2.2.4). In addition, the buffer could be created on just one side of the parkway, leaving the other side available for near roadway development. Given these qualifications to the buffer concept, EPA believes it is misleading to state that the buffer would prevent development near the roadway.

Second, the DEIS does not include assurances that the buffer would be successful in preventing additional interchanges and development near the roadway. The DEIS does not include an implementation plan or timeframe for adopting, implementing, and ensuring long-term effectiveness of a buffer. While the DEIS contains a list of potential land use controls (Section 2.2.4.2), it does not state how and when these measures will be implemented, or how likely they are to succeed. We recognize that FHWA does not have land use authority, and that an effective buffer will require land use decisions by parties other than FHWA. However, the FEIS should state whether relevant parties have agreed to implement measures to prevent development and interchanges on the Parkway, whether the public supports these changes, and whether funding is available to implement them. We recognize that measures could be particularly challenging to implement given the development pressure in southwestern Placer County.

If the buffer were able to prevent additional interchanges on the Parkway, the buffer could have environmental benefits by reducing access to areas with sensitive environmental resources. A 500-1,000 foot buffer could also provide public health benefits by minimizing air toxics impacts to residents and sensitive receptors. We note, however, that a “buffer” along the roadway edge would not be likely to provide habitat benefits, as suggested in the DEIS, since the roadway itself could significantly fragment habitat.

Finally, it appears that the boundaries of the “Central Segment” of the freeway in the DEIS have shifted approximately two miles west, as compared to previously adopted maps.<sup>4</sup> This change would appear to remove approximately two miles of roadway (from the Western Regional Sanitary Landfill Expansion Area to the potential Watt Avenue extension) from the no-development buffer area, providing no constraints on new interchanges in an undeveloped area facing considerable development pressure.

### ***Recommendations***

Describe and commit to a specific buffer implementation plan that will prevent development near the Parkway and interchanges in the Central Segment. Identify the following:

- specific actions that will be implemented and committed to by FHWA and/or other parties, such as easements and/or deed restrictions

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<sup>4</sup> [http://www.pctpa.org/placerparkway/library/5Corridor\\_Align\\_Alts\\_Tier1EIS-EIR\\_09-28-05.pdf](http://www.pctpa.org/placerparkway/library/5Corridor_Align_Alts_Tier1EIS-EIR_09-28-05.pdf)

- responsible parties
- agreed-upon timeframes for completion of specific actions
- specific sources of funding that will be used to prevent near-roadway development and Central Segment interchanges on the Placer Parkway

If such an implementation plan cannot be provided in the Tier 1 FEIS and committed to in the Record of Decision, the Tier 1 FEIS should revise the induced growth analysis to reflect resource impacts that are likely to occur without an assured 500-1,000 foot buffer zone.

Clarify how the boundaries of the freeway segments have changed since EPA's agreement with the range of alternatives for the project (February 16, 2006). Discuss the rationale for expanding the Eastern Segment approximately 2 miles west to the potential Watt Avenue extension. Discuss the potential for additional interchanges in this area, and potential for increased growth-related impacts to environmental resources.

Include quantitative estimates of the indirect impacts, including induced growth impacts, of each alternative in tabular form in Table ES-1 or other summary impact matrix.

### iii. Habitat Fragmentation

The DEIS does not adequately address adverse impacts associated with habitat fragmentation from proposed alignments and/or growth adjacent to the Parkway. All proposed Placer Parkway alignments move through a large intact landscape of aquatic and upland habitat. Important natural resources in this landscape include vernal pool grasslands, wetlands, riparian corridors, and stream habitats. These resources provide habitat for federal- and State-listed endangered and threatened species, species of special concern, and other fish and wildlife integral to ecosystem balance and function. Fragmenting these habitats with large urban infrastructure such as a new freeways and/or urban development exposes the remaining resources to myriad adverse impacts associated with isolation in a matrix of urban and suburban developments. At the same time, fragmentation precludes management options that mimic natural disturbance such as burning and grazing needed to maintain health, biodiversity, and productivity of these natural landscapes. Impacts to aquatic resources and endangered species habitat should be estimated for each of the proposed alignments and presented in a summary impact matrix in the FEIS.

### ***Recommendations***

Include an assessment of potential aquatic and terrestrial habitat fragmentation for each alternative corridor.

Compare the potential impacts of habitat fragmentation by alternative.

### iv. Indirect Impacts of Interchanges

EPA is concerned that the DEIS analyzes only the direct footprint of the interchanges but does not include the indirect impacts. In order to determine the corridor(s) most likely to



contain the LEDPA, the analysis should include both direct and indirect impacts. New interchanges provide access and can facilitate growth, particularly in rural areas that are facing development pressure. The location of interchanges can direct growth to areas that may contain sensitive resources. Given the abundance of aquatic resources, open space, habitat, and farmland, the FEIS should identify not only the direct impacts, but the secondary and indirect impacts, including growth-inducing impacts of the interchanges (including a potential Watt Avenue Interchange).

In addition, the DEIS does not explain why the wetland preserve affected by the Watt Avenue Interchange Option 2 is “outside the scope of this study.” If the interchange is part of the proposed project and has direct or indirect impacts on the preserve or other resources of concern, it is within the scope of the project study (40 CFR 1508.8).

#### ***Recommendations***

Analyze both the direct and indirect impacts of project interchanges, including all potential Watt Avenue Interchanges and options.

Include the estimated indirect impacts of interchanges, including habitat fragmentation and growth-inducing impacts, in the analysis of the corridor(s) most likely to contain the LEDPA.

#### **v. Additional Interchanges**

The DEIS states that there will be no additional interchanges in the Central Segment. Since a proposed Watt Avenue Interchange is reasonably foreseeable, the FEIS should clearly state that there is likely to be at least one additional interchange – Watt Avenue Interchange – in the Central Segment. Further, given development pressures, other parties may propose to build interchanges in the Central Segment. For example, there could be “enormous pressure on the county to create one or more connections from the parkway to serve the [planned Regional] university.”<sup>5</sup> Finally, part of the Central Segment has been reclassified as the Eastern Segment (see **Section II-A-ii** above), which would have no apparent constraints to additional interchanges.

#### ***Recommendation***

Clearly state that there is likely to be at least one additional interchange – Watt Avenue Interchange – in the Central Segment. Given development pressure, especially in the Eastern and Central Segments, discuss the potential that others would seek to build additional interchanges on the Parkway.

### **B. Cumulative Impacts Analysis**

The DEIS includes a brief qualitative discussion of cumulative impacts for each resource area. Given the rapid urbanization in the area, we strongly recommend a more comprehensive analysis of cumulative impacts to resources of concern. We recommend using the Caltrans guidance on Cumulative Impact Analysis, co-developed by FHWA and U.S. EPA Region 9, as a framework.

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<sup>5</sup> Placer university land gift could net developer hundreds of millions. Sacramento Business Journal, March 2003, by Mike McCarthy.

The Council on Environmental Quality's regulations implementing NEPA define cumulative impact as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (40 CFR 1508.7)

For example, aquatic resources in western Placer County have been cumulatively affected by past actions and are likely to be adversely impacted by future development, including the proposed parkway. Historical impacts on aquatic ecosystems include California's rapid population growth and resulting losses of approximately 95% of the State's wetlands (Dahl, T.E., 1990) and up to 85% (Holland, Robert, 1978) of the vernal pools. According to estimates provided by the Placer County Planning Department, there are approximately 20,000 acres of vernal pool grassland habitat remaining in the western part of Placer County, a small fraction of historical distribution. The majority of this vernal pool habitat is located on private lands and vulnerable to permanent removal. Proposed development projects in western Placer County threaten at least half of these unprotected vernal pool grassland habitat areas. These projects include, but are not limited to the following: Placer Vineyards, Creekview, Sierra Vista, Placer Ranch, Riolo Vineyards, Regional University, Brookfield, Curry Creek, expansion of the western regional landfill, and portions of the City of Roseville's Retention Basin property.

We also recommend a robust cumulative analysis at Tier 1 because it allows FHWA and other stakeholders to identify early opportunities to avoid and minimize cumulative impacts to resources, and to identify landscape-level opportunities able to protect or restore environmental resources that may be cumulatively at risk.

### ***Recommendations***

Include a more robust cumulative impact analysis the FEIS. The Caltrans Cumulative Impact Guidance is a useful reference and is available at the following site: [http://www.dot.ca.gov/ser/cumulative\\_guidance/approach.htm](http://www.dot.ca.gov/ser/cumulative_guidance/approach.htm)

Identify potential landscape-level opportunities to avoid, minimize, and mitigate cumulative impacts to resources of concern, including those that are outside of FHWA's authority. Specifically, in the FEIS, provide resource avoidance guidance for the preparation of the Tier 2 environmental documentation and identify measures that can be accomplished early, before the Tier 2 environmental review process is required.

### **Section III: Resource-Specific Comments**

In addition to the major concerns listed above, we have resource-specific concerns regarding: A) hydrology, floodplains, and water quality, and B) air quality.

### **A. Hydrology and Floodplains, and Water Quality**

EPA supports project elements, such as bridges and spans that would avoid environmental impacts. The DEIS states that, "As necessary, bridges would be used to span certain features and improvements such as...floodplains." (2.2.2) and that "[w]here creek crossings coincide with floodplain crossings, the road would be elevated on a bridge." The DEIS also states that "Culverts would be used at smaller creek crossings as appropriate depending on local conditions and permit requirements." We recommend that the Tier 1 FEIS include commitments to use avoidance features such as bridges, spans, and arched or bottomless culverts.

The description of the realignment of Steelhead Creek is unclear. For example, Corridor 1 is stated to cross 7,000 feet of Steelhead Creek longitudinally (page 4.11-15) potentially requiring realignment of Steelhead Creek that could cause substantial adverse impact to the resource. It is unclear from the DEIS whether all roadway alignments in the corridor would require 7,000 feet of creek realignment, or whether there would be opportunities to reduce the amount of creek realignment through the location of roadway alignments and/or additional avoidance measures.

A commitment to avoid impacts associated stream crossings using design options such as elevated structures and bottomless culverts are important aspects of identifying the alternative corridor(s) most likely to contain the LEDPA.

#### ***Recommendations***

Include in the FEIS a description of which floodplain areas would likely be spanned as part of the Placer Parkway project, including a map of the elevated structures over the floodplain and an estimate of elevated road distances.

Provide information on how the creek realignment in Corridor 1 could be avoided or minimized.

Include in the FEIS a commitment to use measures to avoid resource impacts. In particular, commit to the following:

- Use newer technology culverts and less damaging culverts such as large bottomless or arched culverts.
- Span floodplains and major creek crossings to avoid impacts to aquatic resources.

The DEIS states that there are no streams within the Natomas Basin. We recognize that many natural streams in the Basin have been straightened and channelized in portions, but not for their entire courses. In Figure 2-2 the outside slope from roadway corridor to roadway buffer is shown as being a ratio of 4:1. The DEIS does not include a discussion of how the slope will be stabilized or maintained (e.g., vegetation or rock slope protection). Stabilizing slopes with native vegetation is recommended especially if this part of the roadway is built in waters of the U.S. Less steep slopes are preferred for long-term maintenance and reduction of potential future impacts to waters of the U.S. that could occur from steep slopes slumping into waterways.

### ***Recommendations***

Clarify the extent of streams and canals in the Natomas Basin.

Include a discussion of how the 4:1 slope from the roadway corridor to roadway buffer will be stabilized; and the feasibility of less steep slopes.

Ensure consistency with the Executive Order 13112 on Invasive Species. Include a commitment to use native vegetation and to reuse native soils in re-vegetation.

Add CWA Section 404 to the bulleted list of federal regulations applicable to hydrology and floodplains. (4.11.1.1)

## **B. Air Quality**

### ***i. Mobile Source Air Toxics***

EPA commends FHWA for including a discussion of Mobile Source Air Toxics (MSAT) in the Tier 1 document. While this project is being constructed in a rural area, a large number of residential developments are planned in proximity of the Parkway. Many recent studies have examined the association between living near major roads and different adverse health endpoints. Several well-conducted epidemiologic studies have shown associations with cardiovascular effects, premature adult mortality, adverse birth outcomes, including low birth weight and size, and asthma-related respiratory symptoms in children. Several MSATs are classified as known and likely human carcinogens. Many studies have measured elevated concentrations of pollutants emitted directly by motor vehicles near large roadways. These elevated concentrations generally occur within approximately 200 meters of the road, although the distance may vary depending on traffic and environmental conditions. (See [www.epa.gov/otaq/toxics.htm](http://www.epa.gov/otaq/toxics.htm).)

Interim guidance on MSAT analysis for transportation is available from FHWA (February 2006). However, EPA disagrees with aspects of the guidance, including the use of a 150,000 annual average daily traffic (AADT) threshold for MSAT impacts. Traffic levels well below that threshold can result in public health impacts (Cal-EPA/CARB 2005) depending on proximity to the roadway.

We support the DEIS's use of the *Air Quality and Land Use Handbook: A Community Health Perspective, April 2005* (Cal-EPA/CARB, 2005) as a resource for assessing the potential MSAT impacts. The Handbook reflects recent science on near-roadway air impacts. The project's proposed 500-1,000 foot buffer, if achievable, would be consistent with the California Air Resources Board (CARB) recommendations for minimizing MSAT impacts of a highway with projected volumes of the Placer Parkway. The March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board ([http://www.trb.org/NotesDocs/25-25\(18\)\\_FR.pdf](http://www.trb.org/NotesDocs/25-25(18)_FR.pdf)) contains additional guidance on assessing MSAT emissions. In addition, procedures for toxicity-weighting, which EPA has found to be especially useful for the targeting of mitigation, are described in EPA's

Air Toxics Risk Assessment Reference Library. EPA is available to work with FHWA to evaluate the appropriate level of MSAT analysis for this project in Tier 2.

### ***Recommendations***

EPA recommends performing an analysis of potential MSAT impacts in Tier 2 to inform decision-making and avoidance, minimization, and mitigation options. When considering appropriate and useful levels of analysis, EPA recommends that the lead agency consider the following:

- The likelihood of and potential magnitude of the effect, including both the magnitude of emissions and their proximity to potential residential and sensitive receptors (e.g., schools, hospitals, day care facilities, and nursing homes;
- The severity of existing conditions;
- Whether the project is controversial and whether air toxics concerns have been raised by the public for this project or for other projects in the area in the past;
- Whether there is a precedent for analysis for projects of this type; and
- Whether the analysis could be useful for distinguishing between alternatives, informing design changes, and targeting mitigation.

### ***ii. New 24-hour federal standard for PM2.5***

Tables 4.9-1 incorrectly states the federal 24-hour National Ambient Air Quality Standard (NAAQS) for fine particulate matter with a diameter of 2.5 microns or less (PM2.5) as 65 micrograms per cubic meter (ug/m3). In December 2006, the revised 24-hour standard of 35 ug/m3 for PM2.5 became effective. While EPA has not yet designated areas as non-attainment for the new 24-hour standard for PM2.5, the FEIS should include the most recent monitoring data and assessment of potential PM2.5 impacts.

### ***Recommendation***

Correct the federal standard for 24-hour PM2.5 and include the most recent monitoring data and assessment of potential PM 2.5 impacts in the Final EIS.

## **SECTION IV: OTHER COMMENTS**

### **A. Hypothetical Smart Growth Scenario**

As part of the Tier 1 modified NEPA/404 MOU process, FHWA agreed to prepare a hypothetical Land Use and Policy – smart growth – scenario that would meet traffic demand without building a Parkway (FHWA letter to EPA, January 18, 2006). The analysis would incorporate tools to meet anticipated demand without a new freeway, even those that are outside the authority of the project sponsors or would require actions by municipalities or decision makers outside the Placer Parkway study area.

The NEPA/404 MOU partners agreed that this hypothetical scenario would not be a reasonable alternative for purposes of NEPA analysis. However, the scenario would illustrate to the public and decision makers the type and combination of activities that a

region might adopt to meet transportation demand in a rapidly growing area without building new freeways.

In the Mineta Transportation Institute Report 04-02<sup>6</sup>, authors Johnston, Gao, and Clay demonstrate that a set of policy and land-use changes could be implemented within the SACOG region that would reduce vehicle miles traveled without building new freeways. This study includes policies such as fixed urban growth boundaries, increased transit, and pricing tools, such as gasoline taxes and parking fees. The scenarios in the study went beyond the assumptions made in current plans and the SACOG Blueprint Preferred Scenario.

The Land Use and Policy Scenario in the DEIS limits analysis to assumptions in current transit plans and the SACOG Blueprint, which includes two new freeways. In order to accomplish the goal of the Land Use and Policy Scenario (Section 2.6), FHWA would need to include transit, pricing, and smart growth tools that go beyond the assumptions made in current plans and the SACOG Blueprint, even if their implementation is speculative or funding is not available.

***Recommendation***

Revise the assumptions in the analysis as needed (e.g. urban growth boundaries, increased densities, congestion pricing, additional transit, etc.) to accomplish the goal of the hypothetical Land Use and Policy Scenario.

**B. State Route 65 Auxiliary Lanes**

Section 2.2.3.3 describes the ultimate configuration of the Placer Parkway/State Route (SR) 65 connection. It appears that the auxiliary lanes at State Route 65 are necessary for the full operation of the Placer Parkway, but they are not clearly identified in the DEIS as either part of the project or a connected action (40 CFR 1508.25(a)). It is unclear whether the environmental impacts of the auxiliary lanes on State Route 65 are included in the impact assessment for the Placer Parkway.

***Recommendation***

Include the direct and indirect impacts of all components of the project and connected actions, including the auxiliary lanes on SR 65, in the FEIS. Revise estimates of impacts to resources, as appropriate, and provide additional mitigation opportunities.

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<sup>6</sup> Johnston, Gao, Clay (2005). Modeling Long-Range Transportation and Land Use Scenarios for the Sacramento Region, Using Citizen-Generated Policies. Mineta Transportation Institute Report 04-02. <http://transweb.sjsu.edu/mtiportal/research/publications/summary/0402.html>

# SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

## ENVIRONMENTAL IMPACT OF THE ACTION

### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

## ADEQUACY OF THE IMPACT STATEMENT

### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Modification of the "National Environmental Policy Act/Clean Water Act  
Section 404 Integration Process for Surface Transportation Projects  
Memorandum of Understanding (NEPA/404 MOU)<sup>1</sup>"  
for application to  
the Placer Parkway Corridor Preservation Project  
April 12, 2004

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The NEPA/404 MOU integrates requirements of the Clean Water Act Section 404 permit process into the NEPA environmental review. This integration facilitates the preparation of the Section 404 permit application at the end of the NEPA process. While a Tier 1 evaluation will not result in a Section 404 permit application, the associated Tier 2 project will require a permit. Therefore, the NEPA/404 process is modified for Tier 1 to reflect decisions made at Tier 1, and to anticipate the permit application requirements at Tier 2. The NEPA/404 process for Tier 2 will follow the standard procedure outlined in Appendix A of the NEPA/404 MOU.

The goal of the modified NEPA/404 process for Tier 1 is to ensure that Tier 1 decisions reflect careful consideration of the 404(b)(1) Guidelines (40 CFR 230), which are binding, substantive regulations implementing the Clean Water Act. The Guidelines should be addressed as early as possible in the Tier 1 NEPA evaluation to eliminate the need to revisit decisions in Tier 2 that might otherwise conflict with 404 permit requirements.

The Tier 1 (modified) and Tier 2 (standard) NEPA/404 processes are similar in many respects. Both Tier 1 and Tier 2 NEPA/404 include five concurrence points<sup>2</sup>. The main difference between Tier 1 and Tier 2 NEPA/404 processes are the last two concurrence points. In Tier 2, the project proponent seeks agency concurrence on the "least environmentally damaging practicable alternative"(LEDPA) and the conceptual mitigation plan for the LEDPA. In Tier 1, however, the project proponent seeks agency concurrence on the alternative (corridor) *most likely to contain the* LEDPA, and on the *general framework* for mitigation. All other elements of the standard NEPA/404 process apply, unless otherwise indicated.

The Tier 1 modified NEPA/404 process includes five concurrence points:

1. Purpose and Need
2. Criteria for Selecting the Range of Alternatives
3. Range of Alternatives
4. Alternative(s) most likely to contain the LEDPA
5. Mitigation Framework

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<sup>1</sup>Signed by Federal Highway Administration, Federal Transit Administration, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Transportation, Arizona Department of Transportation, Nevada Department of Transportation (1993).

<sup>2</sup>Concurrence/Non-Concurrence is described in Section VI of the NEPA/404 MOU.



These concurrence points are sequential, each one building upon and consistent with previous concurrences. Concurrence points #1 to #3 occur prior to completion of the Tier 1 Draft EIS. Concurrence points #4 and #5 occur prior to completion of the Tier 1 Final EIS. The NEPA/404 signatory agencies may agree to bundle concurrence points for purposes of review.

#### Concurrence Point #1: Purpose and Need

The Council on Environmental Quality regulations implementing NEPA call for a statement of purpose and need (40 CFR 1502.13). The Section 404(b)(1) Guidelines include a basic purpose (40 CFR 230.10(a)(3)) and an overall project purpose (40 CFR 230.10(a)(2)). For NEPA/404 integration, one statement of purpose and need should be developed to meet all requirements.

The NEPA purpose and need statement briefly specifies the underlying purpose and need of the proposed project. The NEPA document should explain the project need, and demonstrate the project's logical termini and independent utility.

The Section 404(b)(1) Guidelines basic purpose is a brief statement that assists regulators in determining whether a project is water-dependent. The overall project purpose is an elaboration of the basic purpose, and provides a more specific description of the purpose and need for the project.<sup>3</sup> The overall project purpose should be broad enough to allow for an appropriate range of alternatives that avoid special aquatic sites, as defined in the Section 404 (b)(1) Guidelines (40 CFR 230 Subpart E). "Avoidance alternatives" could include alternatives that do not require securing a new right-of-way, maximize use of existing infrastructure, implement congestion pricing, or adjust the project study area to include alignments that impact fewer aquatic resources.

#### Concurrence Point #2: Criteria for Selecting the Range of Alternatives

The project sponsor develops criteria for selecting a reasonable range of alternatives. If the number of potential alternatives generated is very large, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS.<sup>4</sup> The criteria can be used to screen out or narrow the range of alternatives that will be carried forward for analysis in the Draft EIS. For NEPA/404 MOU projects, environmental criteria should be applied so that each alternative can be ranked based on its impact to the aquatic ecosystem.

Two types of screening criteria that can be effective for Tier 1 decision making are "project purpose" and "fatal flaw" analyses. Under the Clean Water Act Section 404 (b)(1) Guidelines, an alternative may be eliminated from consideration in the Draft EIS if it does not meet the project purpose. Fatal flaws are unavoidable or unmitigatable impacts associated with an alternative that are so great that the project could never go forward.

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<sup>3</sup>For a discussion of basic purpose and overall project purpose, see Yocom, T.G., R.A. Leidy, and C.A. Morris. 1989. "Wetlands Protection Through Impact Avoidance: A Discussion of the 404(b)(1) Alternatives Analysis." Wetlands. Vol 9, No. 2, pages 283-297.

<sup>4</sup>Council on Environmental Quality's Questions and Answers about the NEPA Regulations, Question 1.b. (1981)

### Concurrence Point #3: Range of Alternatives

The Range of Alternatives includes those alternatives that will be evaluated in the Draft EIS. For NEPA/404 projects, the range should include alternatives that avoid and minimize impacts to waters of the U.S. to the greatest extent possible. The range can include reasonable alternatives not within the jurisdiction of the lead agency, and a no-action alternative (40 CFR 1502.14 (c) and (d)).

### *— Tier 1 DEIS Circulation and Public Comment Period —*

### Concurrence Point #4: Alternative(s) most likely to contain the LEDPA

The U.S. Army Corps of Engineers cannot grant a CWA Section 404 permit to a Tier 2 preferred alternative that is not the LEDPA. Therefore, it is critical that any alternative likely to contain the LEDPA is not prematurely eliminated during the Tier 1 NEPA review. Although a Tier 1 landscape-level analysis may provide enough information to eliminate alternatives that would clearly have the *greatest* environmental impacts, the analysis may not be detailed enough to identify with certainty a *single* alternative that is likely to contain the LEDPA. If the Tier 1 analysis indicates that there are several alternatives likely to contain the LEDPA, and the lead agency does not want to prematurely eliminate any alternative likely to contain the LEDPA, then all of the alternatives likely to contain the LEDPA should be carried forward to Tier 2.

However, the lead agency can attempt to further narrow the range of alternatives likely to contain the LEDPA by performing additional analysis in Tier 1. Analytical tools could include:

- functional assessment of aquatic resources,
- photo-interpretation of aerial photos,
- spot surveys,
- delineations in selected areas of special significance,
- full delineation of waters of the U.S., or
- geo-referenced data points from delineations done for this or other projects.

If the lead agency chooses to eliminate in Tier 1 any alternative(s) likely to contain the LEDPA, there is a risk that the eliminated alternative(s) may need to be revisited in Tier 2.

### Concurrence Point #5 – Mitigation Framework

The Tier 1 mitigation framework will describe in general terms the processes that the project sponsor will use to maximize opportunities for successful mitigation, including long-term mitigation and management of resources. The framework should identify:

1. Mitigation options available for creation, restoration, enhancement and preservation of aquatic resources (e.g., land dedication, acquisition of conservation easements, in lieu fees for acquisition, mitigation banks), and potential mitigation sites.

2. Opportunities to build upon existing or planned conservation efforts of other agencies and non-governmental organizations for the purposes of protecting and restoring large, intact landscapes.
3. Institutions and instruments for long-term management of mitigation sites.

— *Tier 1 FEIS Circulation. Agency Comment Period. Tier 1 Record of Decision.* —

Note: It is presumed that the Tier 2 project will follow the standard NEPA/404 MOU process.

